



Docket No.: 249558US2DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

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RE: Application Serial No.: 10/799,881

Applicants: ATSUHIRO SATO ET AL

Filing Date: March 15, 2004

For: MANUFACTURING METHOD OF
SEMICONDUCTOR DEVICE WITH FILLING
INSULATING FILM INTO TRENCH

Group Art Unit: 2815

Examiner: RICHARDS, N.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

Registration No. 28,870

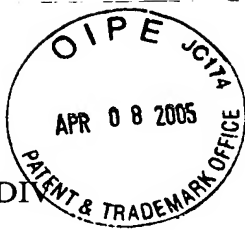
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DOCKET NO: 249558US2DI



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
ATSUHIRO SATO ET AL : EXAMINER: RICHARDS, N.
SERIAL NO: 10/799,881 :
FILED: MARCH 15, 2004 : GROUP ART UNIT: 2815
FOR: MANUFACTURING METHOD OF :
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PROVISIONAL ELECTION

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SIR:

In response to the election requirement dated March 8, 2005, Applicants provisionally elect with traverse the species as shown in Figure 12F, for further examination on the merits. Applicants identify Claims 17-21 as readable on the elected species. Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional

effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 9-12 and 14-23 be conducted.

Respectfully submitted,

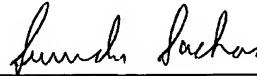
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